

STATE OF NEW YORK

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September 26, 2007

BY HAND

Honorable John G. Koeltl
United States District Judge
United State Courthouse
Southern District of New York
500 Pearl Street, Rm. 1030
New York, New York 10007

Re: Samuel Davis v. Rhoomes, et al. / 07 Cv. 6592 (JGK)

Dear Judge Koeltl:

I represent defendants Diane Van Buren and Robert Jones in this matter. Upon information and belief, defendants Rhoomes, Andino, Degnan and Faliski have not yet been served with the summons and complaint and have not yet requested representation from this Office pursuant to New York State Public Officers Law § 17. If and when they are served, they will join in this request for an extension.

Defendant Van Buren was served by mail on September 6, 2007 and defendant Jones was also served by mail on September 7, 2007. I write to request an extension of time by which these defendants must move or answer with respect to the complaint until November 30, 2007. This is defendants' first request for an extension of time. Plaintiff pro se has not been contacted for his consent as he is presently incarcerated.

At this time, defendants believe that a motion to dismiss may be appropriate as to several of the defendants. Accordingly, in light of the fact that defendants will be moving to dismiss, defendants request a stay of discovery pending a decision on the motion.

*Time to move or answer
extended to 11/30/07.*

*It is not necessary for
discovery to proceed at this time
but discovery is not stayed
until the parties make a formal
application or seek a conference
of the court.*

9/27/07

Honorable John G. Koeltl
Davis v. Rhoomes, et al. / 07 Civ. 6592 (JGK)

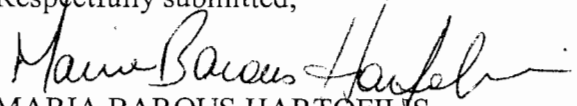
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An extension of time is necessary in order to obtain the necessary files and documents, investigate the facts, research applicable law and draft responsive papers. The additional time may also allow for the remaining defendants to be served and request representation so that a joint motion or answer may be filed on their behalf.

In addition, I am currently preparing for trial in the matter of Johnson v. Barney et al, 04 cv 10204 which is scheduled to commence on October 22, 2007 before the Honorable Leonard B. Sand. That trial will be followed by a trial in the matter of Wyatt v. Cataby et al, 04 cv 7526 which is scheduled to commence on November 13, 2007 before the Honorable Colleen McMahon.

Wherefore, it is respectfully requested that defendants' time to move or answer with respect to the complaint be extended to November 30, 2007 and that all discovery be stayed pending a decision on the motion.

Respectfully submitted,


MARIA BAROUS HARTOFILIS
Assistant Attorney General

cc: Samuel Davis
Plaintiff - Pro Se
By first class mail